

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00579

COUNSEL: NONE

JAN 29 1998

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. The Promotion Recommendation Form (PRF), reviewed by the Calendar Year 1991B (CY91B), Central Colonel Selection Board, be declared void.
2. A General Officer, with Intercontinental Ballistic Missiles (ICBM) background, be appointed to render a new CY91 PRF.
3. If the promotion recommendation on the PRF is "Definitely Promote", direct a special selection board (SSB) to consider promotion to the grade of colonel by the CY91B selection board.

APPLICANT CONTENDS THAT:

An inquiry was conducted into "inappropriate information or procedures" used to prepare his PRF for the CY91B colonel selection board. The General Officer designated as the Senior Rater to review his (applicant's) records did not have the appropriate background in ICBMs to afford him (applicant) a fair and unbiased re-look for the CY91B PRF.

In support of his appeal, the applicant submits a letter from the Commander, Headquarters Air Combat Command (HQ ACC/CC), dated 30 July 1996, who stated that he finds the original PRF promotion recommendation and narrative to be valid, a copy of the Senior Rater's biography and, excerpts from regulations.

Applicant's submission is attached at Exhibit A.

STATEMENT OF FACTS:

Applicant is currently serving on extended active duty in the grade of lieutenant colonel.

The applicant filed a similar appeal under AFI 36-2401 which was returned without action by the Evaluation Report Appeals Board (ERAB) on 10 June 1997.

Applicant has seven promotion nonselections by the CY91B, CY92A, CY93A, CY94A, CY95B, CY96B and CY97B Central Colonel Selection Boards.

Applicant's Officer Effectiveness Report (OER) and Officer Performance Report (OPR) profile, since promotion to the grade of lieutenant colonel, is as follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
13 Jul 87 (OER)	1-1-1
31 Mar 88	1-1-1
31 Mar 89 (OPR)	Meets Standards
31 Mar 90	Meets Standards
31 Mar 91	Meets Standards
31 Mar 92	Meets Standards
31 Dec 92	Meets Standards
(No report avail 1 Jan 93 thru 28 Jul 94.	
4 Oct 94	Education/Training Report
4 Oct 95	Meets Standards
4 Oct 96	Meets Standards
4 Oct 97	Meets Standards

AIR FORCE EVALUATION:

The Chief, Evaluation Programs Branch, HQ AFPC/DPPPPE, states that based on the improprieties at the 55th Wing, Offutt Air Force Base (AFB), it was inappropriate to have that senior rater involved in the incident also involved in the re-look. By appointing the 24th Wing Commander, the Air Combat Command (ACC) took an unbiased senior rater and tasked him to make a decision based upon the applicant's record of performance (ROP). As stated in Air Force Regulation 36-10 (AFR 36-10), the governing regulation at the time of the incident, the senior rater in this case, General S--- had access to personal knowledge on the applicant through the applicant's ROP which clearly fulfills the requirement and intent of the regulation. He also had access to the ACC staff, which included experts from all weapons systems. There would have been no further information available to any senior rater than that which was found in the applicant's ROP.

General S---'s breadth of experience and other qualifications he developed en route to becoming a senior officer were adequate tools to help him determine whether or not an officer has the potential to serve in the next higher grade.

It is important to note that General S--- made an initial assessment of the applicant's record, which was confirmed by the Commander, Headquarters Air Combat Command (the Management Level President), who was another experienced Air Force Senior Rater. Based on General S---'s evaluation and the HQ ACC/CC's

concurrence, the applicant received fair and equitable consideration for possible award of a "Definitely Promote" for the CY91B Central Colonel Selection Board.

Despite the applicant's interpretation of AFR 36-10 and Air Force Pamphlet 36-6 (AFP 36-61, there is no evidence that would warrant another re-look of the applicant's CY91 PRF. They recommend the applicant's appeal be denied.

A copy of the Air Force evaluation is attached at Exhibit C.

The Chief, Promotion, Evaluation and Recognition Division, HQ AFPC/DPPP, states that while the applicant is entitled to his interpretation of the governing directives, he has not proven any violation of Air Force policy occurred in regard to the review of his PRF. AFPC/DPPP concurs with the advisory opinion written by AFPC/DPPPE and therefore is opposed to the applicant receiving an additional promotion assessment and subsequent SSB consideration by the CY91B board.

A copy of the Air Force evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 4 May 1998 for review and response. Applicant responded and states, in summary, that he does not believe there were any ICBM experts on the ACC staff in 1996 when the PRF incident was reviewed. Promotion officials go to great lengths to indicate promotion boards contain a cross-section of general officers to mirror the promotion-eligible population. This allows an individual member not familiar with a particular ROP to ask the subject matter expert on the board.

A copy of applicant's response, with attachments, is attached at Exhibit F.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's submission, we are not persuaded that the CY91B PRF should be voided, that this Board direct a new PRF be reaccomplished or that he should receive consideration for promotion to the grade

of colonel by special selection board (SSB) for the CY91B colonel selection board. His contentions are duly noted; however, we do not find these assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. It appears that due to the inappropriate method utilized by the 55th Wing, Offutt AFB in preparing the CY91 PRFs, a new Senior Rater was appointed to review the affected officers' records. We are not convinced that this Senior Rater could not accurately or fairly assess the applicant's records. Contrary to applicant's assertions that this individual did not have the background in ICBMs to properly assess his record, we note that the new Senior Rater, in addition to having access to applicant's Record of Performance, had access to experts from all weapon systems. Therefore, we find insufficient evidence that any other Senior Rater would have had further information regarding applicant's performance. As noted by the AFPC/DPPPE, the new Senior Rater, a general officer, had the breadth of experience and other qualifications he developed enroute to becoming a senior officer which were adequate tools to help him determine whether or not an officer has the potential to serve in the next higher grade. In addition, we note that the Management Level President concurred in the Senior Rater's assessment of applicant. We therefore agree with the recommendations of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. Therefore, we find no compelling basis to recommend granting the relief sought.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 15 December 1998, under the provisions of AFI 36-2603.

Ms. Martha Maust, Panel Chair
Mr. Frederick R. Beaman III, Member
Ms. Patricia D. Vestal, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 18 Feb 98, w/atchs.
- Exhibit B. Applicant's Available Officer Selection Record.
- Exhibit C. Letter, HQ AFPC/DPPPE, dated 2 Apr 98.
- Exhibit D. Letter, HQ AFPC/DPPP, dated 20 Apr 98.
- Exhibit E. Letter, AFBCMR, dated 4 May 98.
- Exhibit F. Applicant's Letter, dated 25 May 98, w/atchs.

Martha Maust
MARTHA MAUST
Panel Chair